

Senate Bill No. 173

Passed the Senate September 4, 2009

Secretary of the Senate

Passed the Assembly September 1, 2009

Chief Clerk of the Assembly

This bill was received by the Governor this _____ day
of _____, 2009, at _____ o'clock ____M.

Private Secretary of the Governor

CHAPTER _____

An act to add Article 6.7 (commencing with Section 110808) to Chapter 5 of Part 5 of Division 104 of the Health and Safety Code, relating to food safety.

LEGISLATIVE COUNSEL'S DIGEST

SB 173, Florez. Food safety: testing and recalls.

Existing law, the Sherman Food, Drug, and Cosmetic Law, authorizes, for purposes of enforcement of the law, an authorized agent of the State Department of Public Health to, among other things, enter any factory, warehouse, or establishment in which any food is manufactured, packed, or held, enter any vehicle that is being used to transport or hold the food, and inspect any factory, warehouse, establishment, vehicle, or place, and all pertinent equipment, raw material, finished and unfinished materials, containers, and labeling in the factory, warehouse, establishment, vehicle, or place. Existing law authorizes the agent to secure any sample or specimen of any food, as specified. It is unlawful for any person to refuse to permit entry or inspection, the taking of samples or other evidence, or access to copying of any record as authorized by this part, or to conceal the samples or evidence, or withhold evidence concerning them. A violation of the law is a misdemeanor.

This bill would authorize the State Public Health Officer to adopt regulations regarding the voluntary recall of food that, without intervention, could transmit an illness that could kill or seriously affect the health of humans, as specified.

The people of the State of California do enact as follows:

SECTION 1. Article 6.7 (commencing with Section 110808) is added to Chapter 5 of Part 5 of Division 104 of the Health and Safety Code, to read:

Article 6.7. Food Recalls

110808. Subject to the rights and procedures established pursuant to Chapter 4.5 (commencing with Section 11400) of Division 3 of Title 2 of the Government Code and Section 110145 of this code, and in accordance with regulations adopted pursuant to this code, the State Public Health Officer may adopt regulations for the voluntary recall of food that, without intervention, could transmit an illness that could kill or seriously affect the health of humans, including, in addition to the original condition, those clinically plausible secondary illnesses, infections, pathogens, contagions, toxins, or conditions arising from the effects of the original.

Approved _____, 2009

Governor